

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6503

BILL NUMBER: SB 170

NOTE PREPARED: Feb 25, 2010

BILL AMENDED: Feb 24, 2010

SUBJECT: Criminal Law and Procedure.

FIRST AUTHOR: Sen. Zakas

FIRST SPONSOR: Rep. Bauer

BILL STATUS: As Passed House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) The bill increases the penalties for failing to stop after a traffic accident in which a person was injured or died. It makes it a Class D felony if a person, when operating a vehicle while intoxicated, causes the death of a law enforcement animal. The bill makes resisting law enforcement a Class A felony instead of a Class A misdemeanor if while committing the offense a person operates a vehicle in a manner that causes the death of a law enforcement officer. The bill makes conforming changes.

Effective Date: July 1, 2010.

Explanation of State Expenditures: (Revised) *Penalty Provisions-* The penalty for failing to stop after a traffic accident in which a person was injured or died is increased from a Class A misdemeanor to a Class B felony. The bill also makes the penalty for operating a vehicle while intoxicated and causing the death of a law enforcement animal a Class D felony. The bill also makes resisting law enforcement a Class A felony instead of a Class A misdemeanor if while committing the offense a person operates a vehicle in a manner that causes the death of a law enforcement officer.

A Class B felony is punishable by a prison term ranging from 6 to 20 years, depending upon mitigating and aggravating circumstances. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. A Class A felony is punishable by a prison term ranging from 20 to 50 years, depending upon mitigating and aggravating circumstances.

The average expenditure to house an adult offender was \$20,194 in FY 2009. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal

cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$75,050 in FY 2009. The average length of stay in Department of Correction (DOC) facilities for all Class B felony offenders is approximately 3.7 years, for all Class D felony offenders approximately 10 months, and for all Class A felony offenders approximately 9.1 years.

Explanation of State Revenues: (Revised) *Penalty Provisions*- If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. The maximum fine for a Class B felony is \$10,000, and for a Class D felony, the fine is \$10,000. The maximum fine for a Class A felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: (Revised) If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: (Revised) *Penalty Provisions*- If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, DOC.

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